REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-27 were previously pending in this application. Within the Office Action, Claims 1-26 have been rejected. By the amendment filed on January 14, 2008, Claim 27 was added. Accordingly, Claims 1-27 are currently pending.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2002/0073172 to Armstrong et al. ("Armstrong") in view of U.S. Patent Pub. No. 2002/0013852 to Janik et al. ("Janik"). The Applicants respectfully disagree. Neither Armstrong, Janik nor their combination teach storing an initial portion of a content item in a temporary storage cache.

Armstrong teaches a method and apparatus for storing content within a video on demand environment. [Armstrong, Abstract] An information server stores at least a portion of content and communicates with a secondary storage module to retrieve at least the remaining portion of the requested content. [Armstrong, ¶ 0018, Figure 1] The information server comprises a plurality of server modules. Each of the server modules is coupled to a respective disk array functioning as a primary storage module. [Armstrong, ¶ 0024, Figure 2] Each server module retrieves information from its respective disk array for each subscriber supported, and transfers the retrieved information to the respective buffer. The switch accesses each buffer in a round robin fashion to produce an output stream comprising the multiplexed contents of each of the buffers. [Armstrong, ¶ 0040] Armstrong does not teach storing an initial portion of the content item in a temporary storage cache. The Applicants respectfully submit that a cache is physically different from a disk array. Although, as stated within page 7 of the Office Action, a disk array "has cache memory," a disk array is a disk storage system which contains multiple disk drives. (See http://en.wikipedia.org/wiki/Disk_array) A disk drive is a *peripheral* device used to collect information from. (See http://en.wikipedia.org/wiki/Disk_drive) In contrast, a cache is a block of memory for temporary storage of data likely to be used again. As such, the disk array of Armstrong is not a temporary storage cache. Armstrong also does not teach selecting and storing a content item based on an identified preference. Janik is cited for this reason.

Janik teaches a system for providing content, management, and interactivity for thin client devices. Janik teaches a capability for determining and aggregating the content objects presented to a specific user on content selection web pages which is derived from content preference selections provided by the user. [Janik, ¶ 0082] Content from the Internet or otherwise digital content is accessed and cached locally in a server. The cached content is sent to thin client devices. [Janik, ¶ 0027] Janik further teaches time-based automation of the accessing, caching and streaming of content from the Internet at times prescribed by the user or at times derived by direction given by the user through the GUI content editors. [Janik, ¶ 0105] Janik does not teach *prefetching* content based on a preference corresponding to a user.

Janik teaches that there are three functional modes including setup, real-time user controlled content/data delivery and automatic content/data delivery. [Janik, ¶ 0129] Janik further teaches that

> [i]n automatic mode, content 10 that the user has selected for playback in the content editor is sent automatically to the playback device, based on some prescribed time setting that was pre-set by the user. A scheduling function in core module 42 compares time inputs listed in system control application database 96 with the current state of PC 34 system timer. When a match occurs between a time input in system control application database 96 and the current state of PC 34 system timer, core module 42 initiates the delivery of content 10 to client device 78. [Janik, ¶ 0165]

Accordingly, Janik teaches automatically obtaining content based on a time schedule. Janik does not teach *prefetching* content based on a preference corresponding to a user. Janik also does not teach storing an initial portion of a content item in a temporary storage cache. Accordingly, neither Armstrong, Janik nor their combination teach storing an initial portion of a content item in a temporary storage cache.

In contrast to Armstrong, Janik and their combination, the present invention is directed to methods and apparatuses for streaming content. The content is presented such that a delay time between requesting the content and utilizing the content is minimized. The identity of the user is detected and a preference is identified corresponding to the user. A content item is then selected based on the preference and an initial portion of the content is pre-fetched and stored in a temporary storage cache. When a request is received for the content item, the initial portion is streamed from the temporary storage cache to a stream synchronizer, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As

described above, neither Armstrong, Janik nor their combination teach storing an initial portion of a content item in a temporary storage cache.

The independent Claim 1 is directed to a method comprising identifying a preference, selecting a content item based on the preference, storing an initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, neither Armstrong, Janik nor their combination teach storing an initial portion of a content item in a temporary storage cache. For at least these reasons, the independent Claim 1 is allowable over the teachings of Armstrong, Janik and their combination.

Claims 2-10 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Armstrong, Janik and their combination. Accordingly, the Claims 2-10 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 11 is directed to a system comprising means for identifying a preference, means for selecting a content item based on the preference, means for storing an initial portion of the content item in a temporary storage cache, means for receiving a request for the content item, means for streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, means for producing a resultant stream using the initial portion of the content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, neither Armstrong, Janik nor their combination teach means for storing an initial portion of a content item in a temporary storage cache. For at least these reasons, the independent Claim 11 is allowable over the teachings of Armstrong, Janik and their combination.

The independent Claim 12 is directed to a method comprising storing an initial portion of a selected content item in a temporary storage cache, streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion, producing a resultant stream comprising the initial portion of the selected content item and seamlessly transitioning the resultant stream from the initial portion of the content item

to the entire segment of the content item. As described above, neither Armstrong, Janik nor their combination teach storing an initial portion of a content item in a temporary storage cache. For at least these reasons, the independent Claim 12 is allowable over the teachings of Armstrong, Janik and their combination.

Claims 13-18 are all dependent upon the independent Claim 12. As discussed above, the independent Claim 12 is allowable over the teachings of Armstrong, Janik and their combination. Accordingly, the Claims 13-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system comprising means for storing an initial portion of a selected content item in a temporary storage cache, means for streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, means for simultaneously loading an entire segment of the selected content item to the stream synchronizer while streaming the initial portion, means for producing a resultant stream comprising the initial portion of the selected content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire segment of the content item. As described above, neither Armstrong, Janik nor their combination teach means for storing an initial portion of a content item in a temporary storage cache. For at least these reasons, the independent Claim 19 is allowable over the teachings of Armstrong, Janik and their combination.

The independent Claim 20 is directed to a system comprising a media server configured for storing an entire segment of content, a client device configured for storing an initial portion of the content wherein the client device is configured to display the content by streaming a resultant stream from the initial portion of the content while simultaneously receiving the entire segment of the content and seamlessly substituting the entire segment of the content for the initial portion. As described above, neither Armstrong, Janik nor their combination teach storing an initial portion of a content item on a client device. For at least these reasons, the independent Claim 20 is allowable over the teachings of Armstrong, Janik and their combination.

Claims 21-26 are all dependent upon the independent Claim 20. As discussed above, the independent Claim 20 is allowable over the teachings of Armstrong, Janik and their combination. Accordingly, the Claims 21-26 are all also allowable as being dependent upon an allowable base claim.

The independent claim 27 is directed to a method comprising identifying a preference, selecting a content item based on the preference, prefetching an initial portion of the content

item, storing the initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item, and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item. As described above, neither Armstrong, Janik nor their combination teach prefetching an initial portion of the content item. As also described above, neither Armstrong, Janik nor their combination teach storing an initial portion of a content item on a client device. For at least these reasons, the independent Claim 27 is allowable over the teachings of Armstrong, Janik and their combination.

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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